

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

IRON THUNDERHORSE,

Plaintiff,

versus

CHAPLAIN GUY,

Defendant.

CIVIL ACTION NO. 9:20-CV-154

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Iron Thunderhorse, an inmate confined at the Polunsky Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Chaplain Guy.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing plaintiff's complaint for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. Plaintiff has failed to show any personal involvement of the defendant, Chaplain Guy, in any alleged violation of his constitutional rights. Further, plaintiff's complaint fails to allege or demonstrate the defendant supervised or was responsible for training anyone alleged to have violated his constitutional rights. Moreover, plaintiff has failed to allege or demonstrate that the defendant was aware of the complained of conditions of confinement or, more specifically, that the defendant was aware of a substantial risk of serious harm and failed to take reasonable

measures to abate the risk. Thus, plaintiff has failed to show actions by the defendant rising to the level of egregious conduct required to satisfy the deliberate indifference standard. *See Gobert v. Caldwell*, 463 F.3d 339, 351 (5th Cir. 2006). Accordingly, plaintiff's complaint fails to state a claim upon which relief may be granted as to the only defendant in this action.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 28th day of June, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE